

Original

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Qing Yan LIU

16CV6045

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

-against-

Jeh Charles JOHNSON, Secretary of the Department
of Homeland Security; Leon RODRIGUEZ, Director of the
U.S. Citizenship and Immigration Services; Phyllis COVEN,
District Director of the New York District of the U.S. Citizenship
and Immigration Services; Loretta LYNCH, Attorney General of
the United States

Jury Trial: ☐ Yes ☒ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

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S.D. OF N.Y.

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name Qing Yan Liu

Street Address 245 East Broadway, Apt. #2B

County, City New York, New York

State & Zip Code NY 10002

Telephone Number 917-698-2833

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Jeh Charles Johnson

Street Address

County, City WashingtonState & Zip Code DC, 20528Telephone Number 202-282-8000

Defendant No. 2

Name Leon Rodriguez

Street Address _____

County, City WashingtonState & Zip Code DCTelephone Number 1-800-375-8283

Defendant No. 3

Name Phyllis CopenStreet Address 26 Federal Plaza, 3rd Floor, Room 3-120County, City New York CityState & Zip Code NY, 10278-0127Telephone Number 1-800-375-5283

Defendant No. 4

Name Loretta LynchStreet Address 950 Pennsylvania Avenue NWCounty, City WashingtonState & Zip Code DC, 20530-0001Telephone Number 202-514-2000**II. Basis for Jurisdiction:**

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (*check all that apply*)☒ Federal Questions☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Due Process of Law under the Fifth and Fourteenth Amendments to the United States Constitution

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? The New York District of U.S. Citizenship and Immigration Services located at 26 Federal Plaza, 3rd Floor, Room 3-120, New York City, NY 10278-0127

B. What date and approximate time did the events giving rise to your claim(s) occur? June 8, 2015

C. Facts: 1. Plaintiff is a citizen of the Peoples' Republic of China.

What happened to you?

2. Plaintiff sought Asylum to the United States during removal proceedings in the Immigration Court (In the Matter of LIU, QINGYAN; case No. A200-676-335).

Who did
what?

4. Plaintiff filed with U.S. Citizenship and Immigration Services ("USCIS") an Application to Register Permanent Resident or Adjust Status ("Form I-485") on January 3, 2013.

Was anyone else involved?

5. Pursuant to a notice of appointment (dated May 8, 2015) from USCIS, Plaintiff met with an Immigration Service Officer for an "Adjustment of Status Interview" on June 9, 2015.

6. Since the above described Adjustment of Status Interview, Plaintiff has not been able to obtain Permanent Residency or Adjust Status.

7. In response to Plaintiff's recent inquiry on the status, USCIS in a letter (dated May 11, 2016) stated, in relevant part, that Plaintiff's application was still pending and that Plaintiff could check the status of her application at the USCIS web site. Though Plaintiff has done numerous service requests, they did not help at all, and no scheduling can be done through "infopass".

Who else saw what happened?

8. The above referenced USCIS Processing Time Information for the New York City Field Office indicates, as May 31, 2016, the last case the office had completed process was filed October 5, 2015, i.e., subsequent to Plaintiff's

9. Deffendants in their official capacity are responsible for causing the above described injurious conditlon.

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. _____
the Defendants be ordered to adjudicate Plaintiff's I-485 application without delay; _____
and the Court awards such other and further relief as to this Court seems reasonable and proper. _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 22nd day of July, 2016.

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

Lin Qing Yan
245 E. Broadway Apt #2B
New York NY 10002
917-698-2833

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Inmate Number _____